Draft Regulations laid before Parliament in accordance with section 201(2) of the Representation of the People Act 1983 (c. 2), for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2009 No.

REPRESENTATION OF THE PEOPLE

The Representation of the People (Amendment) Regulations 2009

Made - - - -

Coming into force in accordance with regulation 1(1)

These Regulations are made in exercise of powers in sections 9B(1)(c) and 53(3) of, and paragraphs 5(1B), 10B(1) and (2) and 11(1)(b) and (2) of Schedule 2 to, the Representation of the People Act 1983(**1**), having regard to the definition of "prescribed" in section 202(1) of that Act, and section 3(5) to (7) of the Representation of the People Act 1985(**2**).

The Secretary of State has consulted the Electoral Commission about these Regulations in accordance with section 7(1) and (2)(e) of the Political Parties, Elections and Referendums Act 2000(**3**).

In accordance with section 201(2) of the Representation of the People Act 1983(**4**), a draft of these Regulations has been laid before and approved by resolution of each House of Parliament.

Accordingly, the Secretary of State makes the following Regulations:

Citation, commencement, interpretation and extent

1.—(1) These Regulations may be cited as the Representation of the People (Amendment) Regulations 2009 and shall come into force on the day after the day on which they are made.

(2) In these Regulations—

(**1**) 1983 c. 2. Section 9B was inserted by the Electoral Administration Act 2006 (c. 22), section 10(1). Section 53(3) was amended by the Representation of the People Act 1985 (c. 50), Schedule 4, paragraph 13. Paragraph 5(1B) of Schedule 2 was inserted by the Electoral Administration Act 2006 (c. 22), Schedule 1, paragraph 15(5), and paragraphs 10B and 11 were substituted by the Representation of the People Act 2000 (c. 2), section 9.

(**2**) 1985 c. 50. Section 3 was substituted by the Representation of the People Act 2000 (c. 2), Schedule 2, paragraph 4. Subsection (7) was amended by the Electoral Administration Act 2006 (c. 22), Schedule 1, Part 1, paragraph 17(3).

(**3**) 2000 c. 41.

(**4**) Section 201(2) was substituted by the Representation of the People Act 1985 (c. 50), Schedule 4, paragraph 69 and amended by the Political Parties, Elections and Referendums Act 2000 (c. 41), Schedule 21, paragraph 6(7)(b) and S.I. 1991/1728, article 5(b). By virtue of section 27(2) of the Representation of the People Act 1985, section 3(5) to (7) of that Act has effect as if it was contained in Part I of the Representation of the People Act 1983.

"the 2001 Regulations" means the Representation of the People (England and Wales) Regulations 2001(**5**);

"the 2001 Scotland Regulations" means the Representation of the People (Scotland) Regulations 2001(**6**).

(3) These Regulations do not extend to Northern Ireland.

Amendment of the 2001 Regulations

2. The 2001 Regulations are amended as follows.

Registration of European Parliamentary overseas electors in England and Wales

3. In regulation 13 (registration of European Parliamentary overseas electors) for paragraph (6) substitute—

"(6) The regulations which are set out in column 1 of Schedule 4A to these Regulations shall, subject to—

(a) any modifications specified in relation to those provisions in column 2 of that Schedule, and

(b) paragraph (7) below,

apply to a European Parliamentary overseas elector's declaration and registration in pursuance of it as they apply to an overseas elector's declaration and registration in pursuance of it.".

4.—(1) Part I of Schedule 4 (application with modifications of provisions of the 1983 Act for registration of European Parliamentary overseas electors) is amended as follows.

(2) In the entry in column 2 relating to section 9(**7**) (register of electors) insert in the appropriate place "In subsection (2) omit "Subject to section 9B(3) below,".".

(3) After the entry in column 1 relating to section 9 (register of electors) insert "Section 10A(**8**) (maintenance of registers: registration of electors), subsections (1)(a), (3), (3A), (4) and (9)".

(4) In the entry in column 2 relating to section 10A (maintenance of registers: registration of electors) insert—

"In subsection (3) after "register in question" insert "or by a person entitled to vote as an elector at an election to the European Parliament by virtue of section 8 of the European Parliamentary Elections Act 2002(**9**)".

In subsection (4) for "Subsections (1) and (3) above" substitute "Subsections (1)(a) and (3) above".

In subsection (4) omit paragraph (b).

In subsection (9) omit the definition of "resident".".

(5) In the entry in column 2 relating to section 13A(**10**) (alteration of registers) insert—

(**5**) S.I. 2001/341, amended by S.I. 2001/1700, S.I. 2002/1871, S.I. 2005/2114, S.I. 2006/752, S.I. 2006/2910 and S.I. 2006/3406; there are other amending instruments but none is relevant.

(**6**) S.I. 2001/497 (S. 2), amended by S.I. 2001/1749 (S. 11), S.I. 2002/1872 (S. 7), S.I. 2005/2114, S.I. 2006/834 (S. 9), S.I. 2006/3406, S.I. 2007/925 (S. 2); there are other amending instruments but none is relevant.

(**7**) Section 9 was substituted by the Representation of the People Act 2000 (c. 2), Schedule 1, paragraph 3 and amended by the Electoral Administration Act 2006 (c. 22), section 9(2), Schedule 1, Part 1, paragraph 4 and Schedule 2.

(**8**) Section 10A was substituted by the Representation of the People Act 2000 (c. 2), Schedule 1, paragraph 4. Subsection (3A) was inserted by the Electoral Administration Act 2006 (c. 22), section 12(4).

(**9**) 2002 c. 24. Section 8 was amended by the European Parliament (Representation) Act 2003 (c. 7), section 15(3).

(**10**) Section 13A was substituted by the Representation of the People Act 2000 (c. 2), Schedule 1, paragraph 6 and amended by the Electoral Administration Act 2006 (c. 22), Schedule 1, Part 2, paragraph 32 and the Northern Ireland (Miscellaneous Provisions) Act 2006, section 5(2) and Schedule 4, Part 1, paragraph 4.

"In subsection (1)(b) for "by virtue of any provision of this Part of this Act" substitute "by virtue of any provision of the Representation of the People Act 1985".

In subsection (1)(c) omit "or 58".

In subsection (2)(b) for "sections 13B(1) and 13BA(1)" substitute "section 13B(1)".

For subsection (3) substitute:

"(3) Subsection (2) above does not require a registration officer to issue a notice under that subsection in a case where (apart from this subsection) that subsection would require the notice to be issued—

(a) at the beginning of the month containing the date on which revised versions of the registers of parliamentary and local government electors are next due to be published in accordance with section 13(1) or (3) as it has effect for the purposes of such registers, or

(b) at the beginning of either of the two months preceding that containing the date on which revised versions of the registers of parliamentary and local government electors are next due to be published in accordance with section 13(1)(a) as it has effect for the purposes of such registers,

and in such a case the alteration in question shall be made in those revised versions of the registers.".

In subsection (4) omit "or 13BA(3), (6) or (9)".

In subsection (5) omit "or 13BA".

In subsection (6) omit from "; and section 119 below shall apply" to the end.".

(6) In the entry in column 2 relating to section 13B(**11**) (alteration of registers: pending elections) insert in the appropriate place "Omit subsection (6).".

(7) For the entry in column 2 relating to section 56(**12**) (registration appeals: England and Wales) substitute—

"In subsection (1) for paragraph (aa) substitute:

"(aa) from any decision under section 2(2)(aa) of the Representation of the People Act 1985 of the registration officer that a person registered in a register of parliamentary electors in pursuance of a European Parliamentary overseas elector's declaration was not entitled to be registered.".

In subsection (1) omit paragraphs (ab) and (b).".

5. After Schedule 4 insert—

"SCHEDULE 4A Regulation 13

APPLICATION WITH MODIFICATIONS OF REGULATIONS FOR REGISTRATION OF EUROPEAN PARLIAMENTARY OVERSEAS ELECTORS

(**11**) Section 13B was substituted by the Representation of the People Act 2000 (c. 2), Schedule 1, paragraph 6 and amended by the Electoral Administration Act 2006 (c. 22), section 11; there have been other amendments but none is relevant.

(**12**) Section 56 was amended by the Representation of the People Act 1985 (c. 50), Schedule 2, Part 1, paragraph 1, Schedule 4, paragraph 16 and Schedule 5, the Representation of the People Act 2000 (c. 2), Schedule 1, paragraph 14 and Schedule 7, Part 1, and the Electoral Administration Act 2006 (c. 22), sections 11(5) and 12(8), Schedule 1, Part 1, paragraph 8.

1	*2*
Regulation applied	*Modification*
Regulation 3(**13**)	In paragraph (1) omit the definition of "certificate of anonymous registration".
Regulation 5(**14**)	
Regulation 6	
Regulation 7(**15**)	
Regulation 8(**16**)	
Regulation 11	
Regulation 18	In paragraphs (4), (5) and (7) after "regulation 13(6) above" insert "and Schedule 4A to these Regulations" and for "modifications made by that regulation" substitute "modifications made by that Schedule".
Regulation 19	In paragraph (1) after "regulation 13(6) above" insert "and Schedule 4A to these Regulations" and for "modifications made by that regulation" substitute "modifications made by that Schedule".
Regulation 20(**17**)	In paragraph (1) after "regulation 13(6) above" insert "and Schedule 4A to these Regulations" and for "modifications made by that regulation" substitute "modifications made by that Schedule".
Regulation 21	
Regulation 22	In paragraph (3) after "regulation 13(6) above" insert "and Schedule 4A to these Regulations" and for "modifications made by that regulation" substitute "modifications made by that Schedule".
Regulation 23(**18**)	
Regulation 24	Omit paragraph (4A).
Regulation 25(**19**)	
Regulation 27(**20**)	
Regulation 28	Omit paragraph (2).

(**13**) Regulation 3 was amended by S.I. 2001/1700, S.I. 2002/1871 and S.I. 2006/2910.
(**14**) Regulations 5 and 6 were amended by S.I. 2006/2910.
(**15**) Regulation 7 was amended by S.I. 2002/1871 and S.I. 2006/2910.
(**16**) Regulation 8 was amended by S.I. 2006/2910.
(**17**) Regulation 20 was amended by S.I. 2005/2114.
(**18**) Regulations 23 and 24 were amended by S.I. 2006/2910.
(**19**) Regulation 25 was amended by S.I. 2006/3406.
(**20**) Regulations 27, 28 and 29 were amended by S.I. 2006/2910.

1	*2*
Regulation applied	*Modification*
Regulation 29	Omit paragraphs (2B) and (4A). In paragraph (4) omit "Subject to paragraph (4A),".
Regulation 30	
Regulation 31	
Regulation 31A(**21**)	
Regulation 31B	In paragraph (1) for "regulations 31C to 31F" substitute "regulations 31D to 31F". For paragraph (2) substitute: "(2) The functions specified in this paragraph are determining under section 2(2)(aa) of the 1985 Act whether a person was entitled to be registered.".
Regulation 31D	Omit paragraph (3). In paragraphs (5) and (8) omit "or, as the case may be, has ceased to satisfy the conditions for registration set out in section 4 of the 1983 Act.".
Regulation 31E	In paragraph (2) omit sub-paragraph (c). Omit paragraph (4).
Regulation 31F	In paragraph (6) omit "or, as the case may be, has ceased to satisfy the conditions for registration set out in section 4 of the 1983 Act,".
Regulation 32(**22**)	In paragraph (1) for sub-paragraph (b) substitute: "(b) under section 56(1)(aa) of the 1983 Act, from the decision of a registration officer made in accordance with regulations 31D to 31F that a person was not entitled to be registered;". In paragraph (1) omit sub-paragraph (c).
Regulation 36(2) and (3)(**23**)	In sub-paragraph (2)(b) omit "except in a case falling within regulation 31C(2)(d) above,".

(**21**) Regulations 31A to F were inserted by S.I. 2006/2910.
(**22**) Regulation 32 was amended by S.I. 2006/2910.
(**23**) Regulation 36(2) and (3) was amended by S.I. 2002/1871 and S.I. 2006/2910.